

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MACEY E. TURLEY, JR.,
Plaintiff,
v.
LOPEZ, *et al.*,
Defendants.

No. 1:23-cv-0100 JLT BAM (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING
CERTAIN CLAIMS AND DEFENDANTS,
AND DIRECTING THE CLERK OF COURT
TO UPDATE THE DOCKET**

(Doc. 21)

Macey E. Turley, Jr. is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. The magistrate judge screened Plaintiff's Second Amended Complaint pursuant to 28 U.S.C. § 1915A(a).

The magistrate judge found Plaintiff stated a cognizable claim against Defendants Coyle and Lopez for deliberate indifference to serious medical needs in violation of the Eighth Amendment. In addition, the magistrate judge found Plaintiff stated a cognizable claim against Defendant Gamboa, but found the claim was unrelated to the allegations against Coyle and Lopez, and recommended the claim be dismissed without prejudice as improperly joined under Federal Rules of Civil Procedure 18 and 20. Finally, the magistrate judge determined the other claims raised in Plaintiff's Second Amended Complaint were not cognizable and recommended all other claims and defendants be dismissed with prejudice. (Doc. 21.) The Court served the Findings and Recommendations on Plaintiff, who responded he had "no objections." (Doc. 24 at

1 1.)

2 According to 28 U.S.C. § 636(b)(1)(C), this Court conducted a *de novo* review of this
3 case. Having carefully reviewed the entire file, including Plaintiff's response, the Court finds the
4 Findings and recommendations are supported by the record and by proper analysis. Accordingly,
5 the Court **ORDERS**:

- 6 1. The Findings and Recommendations issued on September 8, 2023 (Doc. 21), are
7 **ADOPTED** in full.
- 8 2. This action **SHALL** proceed only on Plaintiff's claim for deliberate indifference to
9 medical needs in violation of the Eighth Amendment, as stated against Defendants
10 Coyle and Lopez in the Second Amended Complaint.
- 11 3. Plaintiff's claim for excessive force in violation of the Eighth Amendment against
12 Defendant Gamboa is **DISMISSED** without prejudice, as improperly joined under
13 Federal Rules of Civil Procedure 18 and 20, subject to refile in a separate action.
- 14 4. All other claims and defendants are dismissed from this action for failure to state
15 claims upon which relief may be granted.
- 16 5. The Clerk of Court is directed to update the docket.
- 17 6. This action is referred to the magistrate judge for proceedings.

18 IT IS SO ORDERED.

19
20 Dated: **October 6, 2023**


UNITED STATES DISTRICT JUDGE